

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SHANA A. BAGLEY  
Deputy Attorney General  
4 State Bar No. 169423  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2129  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-672*

13 **RUTH ANN THOMAS, a.k.a. Ruth Ann**  
14 **Walski, Ruth Morris, Ruth Heater, Ruth**  
15 **Schildberg, Ruth Ann Thomas-Schildberg**  
16 **900 Henderson Avenue, #29**  
17 **Sunnyvale, CA 94086**

**A C C U S A T I O N**

18 **Registered Nurse License No. 514564**  
19 **Nurse Practitioner Certificate No. 19410**

20 Respondent.

21 Complainant alleges:

22 **PARTIES**

- 23 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
24 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
25 Consumer Affairs.  
26 2. On or about August 17, 1995, the Board of Registered Nursing issued Registered  
27 Nurse License Number 514564 to Ruth Ann Thomas, a.k.a. Ruth Ann Walski, Ruth Morris, Ruth  
28 Heater, Ruth Schildberg, and Ruth Ann Thomas-Schildberg, (Respondent). The Registered Nurse

1 License was in full force and effect at all times relevant to the charges brought in this Accusation  
2 and expired on February 28, 2011.

3 3. On or about September 24, 2009, the Board of Registered Nursing issued Nurse  
4 Practitioner Certificate No. 19410 to Respondent. The Nurse Practitioner Certificate was in full  
5 force and effect at all times relevant to the charges brought in this Accusation and expired on  
6 February 28, 2011.

### 7 **JURISDICTION**

8 4. This Accusation is brought before the Board of Registered Nursing (Board),  
9 Department of Consumer Affairs, under the authority of the following laws. All section  
10 references are to the Business and Professions Code (Code) unless otherwise indicated.

11 5. Code section 118, subdivision (b), provides that the expiration of a license shall not  
12 deprive the Board of jurisdiction to proceed with a disciplinary action during the period within  
13 which the license may be renewed, restored, reissued or reinstated.

14 6. Code section 2750 provides, in part, that the Board may discipline any licensee,  
15 including a licensee holding a temporary or an inactive license, for any reason provided in Article  
16 3 (commencing with section 2750) of the Nursing Practice Act.

17 7. Code section 2764 provides, in part, that the expiration of a license shall not deprive  
18 the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to  
19 render a decision imposing discipline on the license. Under Code section 2811, subdivision (b),  
20 the Board may renew an expired license at any time within eight years after the expiration.

### 21 **STATUTORY PROVISIONS**

22 8. Code section 2761 states, in part:

23 The board may take disciplinary action against a certified or licensed nurse or  
24 deny an application for a certificate or license for any of the following:

25 (a) Unprofessional conduct, which includes, but is not limited to, the  
26 following:

27 ...

1 (4) Denial of licensure, revocation, suspension, restriction, or any other  
2 disciplinary action against a health care professional license or certificate by another  
3 state or territory of the United States, by any other government agency, or by another  
4 California health care professional licensing board. A certified copy of the decision  
5 or judgment shall be conclusive evidence of that action.

#### 6 **COST RECOVERY**

7 9. Code section 125.3 provides, in part, that the Board may request the administrative  
8 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
9 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
10 case, with failure of the licentiate to comply subjecting the license to not being renewed or  
11 reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a  
12 stipulated settlement.

#### 13 **CAUSE FOR DISCIPLINE**

14 (Unprofessional Conduct - Out of State Discipline)  
15 (Bus. & Prof. Code § 2761, subd. (a)(4))

16 10. Respondent has subjected her registered nurse license to disciplinary action under  
17 Code section 2761, subdivision (a)(4), in that on or about February 13, 2012, in a disciplinary  
18 action before the Oregon State Board of Nursing (Oregon Board), Respondent entered into a  
19 Stipulated Order for Reprimand with the Oregon Board.

20 11. The Oregon Board's Stipulated Order for Reprimand reprimanded Respondent's  
21 nursing license and ordered Respondent to review current opioid dosing guidelines and submit a  
22 plan to incorporate the guidelines into her practice with regard to prescribing opioids to patients.  
23 The circumstances of the Oregon Board's Stipulated Order for Reprimand are as follows:

24 12. During the course of her employment as a Family Nurse Practitioner at a health clinic  
25 in Salem, Oregon, it was reported to the Oregon Board that while employed at the health clinic,  
26 Respondent allegedly deviated from the standard of care in her prescribing practices. The Oregon  
27 Board's investigation determined that Respondent had prescribed medication to her husband  
28 without having established or documented a client/provider relationship. The Board's  
investigation also determined that Respondent had prescribed pain medication to patients prior to  
conducting a comprehensive assessment of risks and benefits of treatment, screening for  
comorbidities, and screening for current and past substance abuse disorders.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

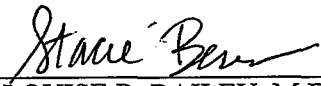
1. Revoking or suspending Registered Nurse License Number 514564, issued to Ruth Ann Thomas, a.k.a. Ruth Ann Walski, Ruth Morris, Ruth Heater, Ruth Schildberg, and Ruth Ann Thomas-Schildberg;

2. Revoking or suspending Nurse Practitioner Certificate No. 19410, issued to Ruth Ann Thomas, a.k.a. Ruth Ann Walski, Ruth Morris, Ruth Heater, Ruth Schildberg, and Ruth Ann Thomas-Schildberg;

3. Ordering Ruth Ann Thomas, a.k.a. Ruth Ann Walski, Ruth Morris, Ruth Heater, Ruth Schildberg, and Ruth Ann Thomas-Schildberg, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

4. Taking such other and further action as deemed necessary and proper.

DATED: FEBRUARY 25, 2013

*for*   
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

SF2012901050